



DEPARTMENT OF COMMERCE

International Trade Administration

[C-570-025; C-533-862]

Polyethylene Terephthalate Resin from the People's Republic of China and India:

Continuation of Countervailing Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of the determinations by the Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) that revocation of the countervailing duty (CVD) orders on polyethylene terephthalate (PET) resin from the People's Republic of China (China) and India would likely lead to continuation or recurrence of net countervailable subsidies and material injury to an industry in the United States, Commerce is publishing this notice of continuation of the CVD orders.

DATES: Applicable [Insert date of publication in the *Federal Register*].

FOR FURTHER INFORMATION CONTACT: Emily Bradshaw or Yang Jin Chun, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-3896 or (202) 482-5760, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 6, 2016, Commerce published in the *Federal Register* the CVD orders on PET resin from China and India.¹ On March 31, 2021, Commerce published the notice of initiation of the sunset reviews of the *Orders*, pursuant to section 751(c) of the Tariff Act of 1930, as

¹ See *Certain Polyethylene Terephthalate Resin from India and the People's Republic of China: Countervailing Duty Order (India) and Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order (People's Republic of China)*, 81 FR 27978 (May 6, 2016) (*Orders*).

amended (the Act).² Commerce conducted expedited (120-day) sunset reviews of these *Orders*, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2).

As a result of its reviews, Commerce determined, pursuant to sections 751(c)(1) and 752(c) of the Act, that revocation of the *Orders* would likely lead to continuation or recurrence of countervailable subsidies.³ Commerce, therefore, notified the ITC of the magnitude of the net countervailable subsidy rates likely to prevail should the *Orders* be revoked.⁴ On April 4, 2022, the ITC published its determination, pursuant to section 751(c) of the Act, that revocation of the *Orders* would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.⁵

Scope of the *Orders*

The merchandise covered by these *Orders* is polyethylene terephthalate (PET) resin having an intrinsic viscosity of at least 0.70, but not more than 0.88, deciliters per gram. The scope includes blends of virgin PET resin and recycled PET resin containing 50 percent or more virgin PET resin content by weight, provided such blends meet the intrinsic viscosity requirements above. The scope includes all PET resin meeting the above specifications regardless of additives introduced in the manufacturing process. The merchandise subject to these *Orders* is properly classified under subheading 3907.60.00.30 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise covered by these *Orders* is dispositive.⁶

Continuation of the *Orders*

As a result of the determinations by Commerce and the ITC that revocation of the *Orders*

² See *Initiation of Five-Year (Sunset) Reviews*, 86 FR 16701 (March 31, 2021).

³ See *Polyethylene Terephthalate Resin from the People's Republic of China and India: Final Results of the Expedited First Sunset Reviews of the Countervailing Duty Orders*, 86 FR 38982 (July 23, 2021) (*Final Sunset Reviews*), and accompanying Issues and Decision Memorandum (IDM).

⁴ See *Final Sunset Reviews* IDM at 8.

⁵ See *Polyethylene Terephthalate (PET) Resin from Canada, China, India, and Oman*, 87 FR 19531 (April 4, 2022).

⁶ See *Polyethylene Terephthalate Resin from the People's Republic of China and India: Final Results of the Expedited First Sunset Reviews of the Countervailing Duty Orders*, 86 FR 38982 (July 23, 2021).

would likely lead to continuation or recurrence of countervailable subsidies and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR 351.218(a), Commerce hereby orders the continuation of the *Orders*. U.S. Customs and Border Protection will continue to collect CVD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of the continuation of the *Orders* will be the date of publication in the *Federal Register* of this notice of continuation. Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next sunset reviews of the *Orders* no later than 30 days prior to the fifth anniversary of the effective date of continuation.

Notification to Interested Parties

These five-year (sunset) reviews and this notice are in accordance with sections 751(c) and 751(d)(2) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: April 5, 2022.

Lisa W. Wang,
Assistant Secretary
for Enforcement and Compliance.

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